

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LEX CLAIMS, LLC, et al.,
Plaintiffs,
v.
ALEJANDRO GARCÍA PADILLA, et al.,
Defendants.

Case No. 3:16-cv-02374 (FAB)

**RESPONSE TO CERTAIN COFINA DEFENDANTS’
JOINDER AND MOTION TO STAY PLAINTIFFS’ SECOND AMENDED COMPLAINT**

TO THE HONORABLE COURT:

Plaintiffs hereby submit this response to the “COFINA Defendants’ Joinder In Notice And Motion To Stay Plaintiffs’ Second Amended Complaint” (Dkt. 163), filed on December 16, 2016, by defendants the Puerto Rico Sales Tax Corporation (“COFINA”) and Juan Vaquer, as Executive Director of COFINA. On December 21, 2016, this Court granted defendants’ motion. See Dkt. 175.

In their motion, defendants COFINA and Vaquer seek to join in the motion to stay (Dkt. 84) filed by defendants Alejandro García Padilla, Juan C. Zaragoza Gómez, and Luis Cruz Batista (collectively, the “Commonwealth Officer Defendants”), and incorporate by reference the “applicable factual and legal arguments made by the Puerto Rico Officers, as further supported by several of the proposed intervenors in this case.” Dkt. 163 at ¶ 7 (citing motions to intervene

filed by the COFINA Senior Bondholders, Dkt. 50, Ambac Assurance Corporation, Dkt. 55, and the Financial Oversight and Management Board, Dkt. 62). In particular, defendants request that the Court enter an order finding that the Second Amended Complaint is stayed by Sections 405(b)(1) and (b)(3)-(6) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”). In the alternative, defendants request that the Court enter an order staying the First, Second, Third, and Twelfth Counts of plaintiffs’ Second Amended Complaint “in the exercise of the Court’s discretion.” Dkt. 163 at p. 1.

While plaintiffs do not oppose (or seek reconsideration of this Court’s order granting) defendants’ joinder in the Commonwealth Officer Defendants’ motion, plaintiffs respectfully oppose their request for a stay. Defendants’ arguments, asserted directly and by reference to the Commonwealth Officer Defendants’ motion to stay, are meritless for the reasons previously set forth in detail in plaintiffs’ opposition to the Commonwealth Officer Defendants’ stay motion, see Dkt. 127, and in plaintiffs’ responses to the various motions to intervene cited in defendants’ joinder, see Dkt. 87, 93 and 110. This action is not stayed by PROMESA, and there is no sound basis for this Court to impose a stay not contemplated by the statute’s express stay provisions.

* * *

Defendant COFINA and Vaquer’s motion to stay this action should be denied.

December 30, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE: It is hereby certified that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record which are CM/ECF system participants at their corresponding e-mail addresses and which, pursuant to Local Civil Rule 5.1(b)(2), constitutes the equivalent service.

/s/ J. Ramón Rivera Morales
J. Ramón Rivera Morales